

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN FRANCIS RUDDY,

Plaintiff,

No. 05-60199

v.

Hon. John Corbett O'Meara

JOANNA MESSINA, JOHN SYPNIEWSKI,
ROBIN CARLSON, SCOTT MANNOR,
PATRICK HANNAN, BRAD KOURT,
DEPUTY BOYER, DEPUTY CARTER,
and DEPUTY ALLSTED, Individually,

Defendants.

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ORDER OF PARTIAL DISMISSAL

Plaintiff Brian Ruddy filed a four-count complaint in this court August 25, 2005, alleging malicious prosecution, false arrest and false imprisonment, violations of 42 U.S.C. § 1983, and assault and battery. While alleged violations of 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. §§ 1343, Counts I, II and IV are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Therefore, it is hereby **ORDERED** that Counts I, II and IV are **DISMISSED**.

S/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: October 27, 2005